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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KYLE TERRY,	)	CIVIL NO. 1:23-cv-01188-SKO
Plaintiff,	)	
v.	)	<b>STIPULATION AND UNOPPOSED</b>
MARTIN O'MALLEY,	)	<b>MOTION TO VOLUNTARY REMAND</b>
Commissioner of Social Security, <sup>1</sup>	)	<b>PURSUANT TO SENTENCE FOUR OF</b>
Defendant.	)	<b>42 U.S.C. § 405(g) AND TO ENTRY OF</b>
	)	<b>JUDGMENT; ORDER</b>
	)	<b>(Doc. 17)</b>

IT IS STIPULATED by and between Plaintiff and Martin O'Malley, Commissioner of Social Security (Defendant), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

<sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1           Upon remand, the Appeals Council will remand the case to an Administrative Law  
2 Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the evidence of record. The  
3 parties further request that the Court direct the Clerk of the Court to enter a final judgment in  
4 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

5           This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the  
6 Social Security Act, 42 U.S.C. 405(g).

7  
8 Dated: February 7, 2024

/s/ Jonathan O. Pena\*

JONATHAN O. PENA

Attorney for Plaintiff

\*Authorized via e-mail on February 7, 2024

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

By: /s/ James Ki

JAMES KI

Special Assistant United States Attorney

Attorneys for Defendant

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21           **ORDER**

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23           Based upon the parties' Stipulation and Unopposed Motion to Voluntary Remand  
24 Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to  
25 Remand") (Doc. 17), and for cause shown,

26           **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of  
27 Social Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the  
28 Social Security Act, 42 U.S.C. 405(g).

STIPULATION TO REMAND

1           The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against  
2 Defendant, vacating and reversing the final decision of the Commissioner and thereafter close  
3 this case.

4  
5 IT IS SO ORDERED.

6 Dated: **February 8, 2024**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE